

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 28669	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/IL2004/000932	International filing date ( <i>day/month/year</i> ) 10 October 2004 (10.10.2004)	Priority date ( <i>day/month/year</i> ) 29 September 2003 (29.09.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MÓBILITEC, INC.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 13 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input checked="" type="checkbox"/> | Box No. VII  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report 03 April 2006 (03.04.2006)	
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PATENT COOPERATION TREATY

REC'D	02 FEB 2005
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From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

7/4

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

03 FEB 2005

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/IL2004/000932	International filing date (day/month/year) 10.10.2004	Priority date (day/month/year) 29.09.2003	
International Patent Classification (IPC) or both national classification and IPC H04L29/06, G06F17/30, G06F17/60			
Applicant MOBILITEC, INC.			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and Industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Lopez Monclús, I. Telephone No. +49 89 2399-7113	
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
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**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes:	Claims 1-17
	No:	Claims 18-35
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-35
Industrial applicability (IA)	Yes:	Claims 1-35
	No:	Claims

2. Citations and explanations

see separate sheet

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

see separate sheet

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: WO 03/067851 A1 (TELEFONAKTIEBOLAGET LM ERICSSON) 14 August 2003 (2003-08-14)
- D2: RUDKIN S ET AL: "A SCHEME FOR COMPONENT BASED SERVICE DEPLOYMENT" TRENDS IN DISTRIBUTED SYSTEMS FOR ELECTRONIC COMMERCE. INTERNATIONAL IFIP/GI WORKING CONFERENCE. TREC, XX, XX, 12 September 2000 (2000-09-12), pages 68-80, XP001020425
- D3: EP-A-1 345 456 (OPENWAVE SYS INC [US]) 17 September 2003 (2003-09-17)

1. In general, the claims are too vague and unclear (see Item VIII) for a person skilled in the art to practise the invention according to the claims. Generally, they do not explain the technical features of the invention.  
Notwithstanding said clarity objections, the following objections can be made.
2. First of all, it is to be noted that present claim 1 is formulated in such broad terms that its subject matter appears to be entirely anticipated by the content of document D1. Therefore the present application does not meet the requirements of Article 33(2) PCT, since the subject-matter of independent claim 1 is not new in the sense of Article 33(2) PCT. Indeed document D1 discloses, according to all the features of claim 1,  
a service delivery platform for an interface between a content provider and a wireless communication device (Page 1, lines 18-22: "The present invention relates generally to a value-added information exchanging network service, and in particular, by way of example but not limitation, to a Business-to-Business (B2B) engine capable of

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interfacing with both a telecommunications network and a service provider for facilitating information interexchange therebetween."), comprising:

a plurality of services for being provided to the wireless communication device by the content provider (Page 34, lines 20-22: "B2B engine 1900 is coupled to restaurant module 1905 in the same manner as B2B engine 210 is coupled to various modules provided by content providers as described in FIGURE 3.");

a service controller for receiving a request for a service from the wireless communication device and for activating said service according to a service logic, wherein said service logic comprises at least one rule for determining at least one of where and how said service is to be provided (Abstract and page 10, lines 25-31: "A subscriber utilizing a mobile station (MS) may send a request to a B2B engine to find a nearby fixed station, i.e., a restaurant (1940). A reservation management company i.e., a service provider, interconnected with the B2B engine, may provide a reservation application to member restaurants and a restaurant module (1905) for integration with the B2B engine...The B2B engine 210 determines realtime information about the mobile subscribers in communication with the mobile operators' network, by communicating with the network and the respective users to determine a variety of subscriber information: subscriber rules 242 for application and any requisite conditions, subscriber preferences 244, subscriber status 246, and any intelligence factor 248 necessary to satisfy the needs of the mobile subscriber. "); and

a service framework for said plurality of services, configured to enable ones of said services to be added, removed or changed (Page 15 line 27 - page 16 line 1:"The Rules Development Environment (RDE) 290 allows the development of rules used for the development of services. The RDE 290 stores the rules in a Rule Repository (Rep). The rules could be constantly updated to suite new services being adopted and varied according to the preferences of various components in the system. The Service Development Environment (SDE) 286 allows telecom operators or end users to develop new sets of services based on a set of rules.").

Furthermore, it should be noted that even if novelty of claim 29 could be argued, based on minor differences between the features of claim 29 and those disclosed in

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D1, the subject matter of claim 29 would not involve an inventive step, Article 33(3), having regard to the disclosure of D1 as this document discloses the same object and the same type of solution as the present application.

All these features are as well disclosed in document D3 (Paragraphs 6, 23-27 and 41). Similar argumentation and the same conclusion could therefore be made starting from this document.

3. Present claim 18 is formulated in such broad terms that its subject matter appears to be entirely anticipated by the content of document D1. Therefore the subject-matter of independent claim 18 is not new in the sense of Article 33(2) PCT. Indeed document D1 discloses, according to all the features of claim 18,

a method for managing a content delivery interface between a content provider and a subscriber wireless communication device (Page 1, lines 18-22: "The present invention relates generally to a value-added information exchanging network service, and in particular, by way of example but not limitation, to a Business-to-Business (B2B) engine capable of interfacing with both a telecommunications network and a service provider for facilitating information interexchange therebetween."), the method comprising:

providing a plurality of modules for the content delivery interface, each module for providing content as part of a different service (Page 34, lines 20-22: "B2B engine 1900 is coupled to restaurant module 1905 in the same manner as B2B engine 210 is coupled to various modules provided by content providers as described in FIGURE 3.");

selecting an appropriate one of said modules for the content delivery interface according to a currently desired service; and adding said appropriate module to the content delivery interface, thereby to provide said currently desired service from a platform that supports a plurality of services (Abstract: "A subscriber utilizing a mobile station (MS) may send a request to a B2B engine to find a nearby fixed station, i.e., a

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restaurant (1940). A reservation management company i.e., a service provider, interconnected with the B2B engine, may provide a reservation application to member restaurants and a restaurant module (1905) for integration with the B2B engine.").

Furthermore, it should be noted that even if novelty of claim 18 could be argued, based on minor differences between the features of claim 18 and those disclosed in D1, the subject matter of claim 18 would not involve an inventive step, Article 33(3), having regard to the disclosure of D1 as this document discloses the same object and the same type of solution as the present application.

4. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document), as already mentioned in sections 2 and 3, a platform for the provision of services over a cellular telephone network (Abstract and Page 1, lines 18-22), which provides a platform for service providers to build new Internet services based upon realtime information associated with mobile subscribers of the mobile network (Page 13, lines 16-18).

The subject-matter of claim 1 therefore differs from the disclosure of document D1 in that for this creation of new services a generic definition of cellular services that is customizable by inputting service specific parameters is used.

The problem to be solved by the present invention may therefore be regarded as how to provide a generic definition of a service that can be adapted by the service providers in order to achieve different specific services.

In consulting the prior art he would come across D2 ,which discloses a scheme for

component based service deployment. This document describes how, since many services share a great deal of functionality in common, the creation of services should be a matter of describing the relationships between pre-existing components and adding session specific information (Abstract and pages 68 & 69) and proposes a process and environment for this kind of service development (Pages 71-74).

To a skilled person, therefore, starting from the method defined by D1 and aware of the disclosure of D2 it would be obvious to apply the approach described in D2 to the method of D1, in order to improve it and he would thus arrive at the method corresponding to the subject-matter of claim 1.

The subject-matter of claim 1, therefore, does not involve an inventive step and does not meet the requirements of Article 33(3) PCT.

5. The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 11, which therefore is also considered not inventive.
  
6. The dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D3 and the corresponding passages cited in the search report.

**Re Item VII**

**Certain defects in the international application (form or content).**

1. The independent claims are not properly cast in the two-part form (Rule 6.3(b) PCT),

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with those features which in combination are part of the prior art (see document D1 or D3) being placed in the preamble.

2. Documents D1-D3 are not identified in the description and the relevant background art disclosed therein has not been briefly discussed (Rule 5.1(a)(ii) PCT).
3. Reference signs in parentheses have not been inserted in the claims to increase their intelligibility, Rule 6.2(b) PCT. This applies to both the preamble and characterising portion.
4. The general statement in lines 10-20 on page 26 of the description is not clear. Therefore, either a short acknowledgement of the relevant subject matter of the corresponding documents to which said statement refers, should, in accordance with Article 34(2)(b)PCT, be added to the description, or, if said documents are not relevant for the performance of the invention, such statement should be deleted (cf. also PCT Guidelines Chap-4.26 and 4.31).
5. Following from the disclosure of documents D1-D3, the statement indicating the technical problem to be solved by the invention has not been revised taking the requirements of Rule 5.1(a)(iii) PCT into account.

**Re Item VIII**

**Certain observations on the international application (clarity).**

1. As it was mentioned in Item V, in general, the claims are too vague and unclear for a person skilled in the art to practise the invention according to the claims. Generally, they do not explain the technical features of the invention.

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- 1.1 The vague formulation "a parameter setting mechanism for imputing respective service defining parameters to said generic definition, thereby to implement a desired service through said generic definition" present first in claim 1 is essentially equivalent to a formulation of the type "having an action in order to implement a desired service..." and is in this case not sufficient to clearly define the invention (Article 6 PCT and PCT Guidelines 5.35). The same applies to the formulation "said generic definition being able to take...".

It is rather the structural features which achieve said results which should appear in the claim. Hence claim 1 does not contain these essential features, it does not meet the requirements following from Article 6 PCT taken in combination with Rule 6(3)(b) PCT that any claim must contain all the technical features essential to the invention.

The same applies to the corresponding method claim 11, regarding the method steps. It is also not clear which component is doing each one of the method steps.

- 1.2 The same objection applies also to independent method claim 18, including the question about the component doing each one of the steps. Who and how provides the plurality of modules? How is an "appropriate one" selected and which component does it? Who and how adds it?

In this connection, the term "appropriate" is vague and indefinite and, as such, leaves the reader in a state of uncertainty regarding the scope of protection provided by the feature in question (c.f. PCT Guidelines, 5.34).

- 1.3 The formulation in claim 29 "a service framework for said plurality of services, configured to enable said services to be added, removed or changed" is also not clear (Article 6 PCT and PCT Guidelines 5.35).

- 1.4 Many of the dependent claims (see for example claims 4, 5, 6, 7, 10, etc) are formulated in terms of the result to be achieved, which is not sufficient to clearly

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define de invention (Article 6 PCT and PCT Guidelines 5.35).

2. Claims 1 and 29 are not clear due to the formulation "A platform...". According to the PCT only two basic kinds of claims exist, viz, claims to a physical entity (apparatus or system) and claims to an activity (process) (PCT Guidelines 5.12).

In addition, and assuming that with claim 1 the Applicant wants to claim an apparatus, a "generic definition of a cellular service" can not be considered a structural feature, and the claim would mix apparatus and process features. The same applies to the "plurality of services" present in claim 29, which also is not allowable because the way it is formulated it seems that said services are in the content provider and not in the platform (Article 6 PCT).

3. The various definitions of the invention given in independent claims 1 and 29, as well as in independent method claims 11 and 18 are such that the claims as a whole are not clear and concise, contrary to Article 6 PCT. The claims should be recast to include only the minimum necessary number of independent claims in any one category with dependent claims as appropriate (Rule 6.4 PCT). Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. In the present case it is considered appropriate to use only **one** independent claim in any category.

- 4.1 The terms "service", "generic definition of a cellular service" and "service defining parameters" used first in claim 1 have no well recognised meaning and leave the

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reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claim unclear (Article 6 PCT). The meaning of the terms of a claim should be clear for the person skilled in the art from the wording of the claim alone (PCT Guidelines 5.31).

The same objection is valid for all the occurrences of this wording in the claims of the present application.

- 4.2 The same objection applies for the terms "discoverability", "findability", "buyability" and "obtainability", used first in claim 2.
  
5. The formulation "(e.g., includes content items that are offered in a special discount)" should be eliminated since it introduces ambiguity in claim 22 (Article 6 PCT and PCT Guidelines 5.40).

It is also not clear because of the incorrect use of the parentheses. According to the PCT Guidelines 5.11, when references to the drawings are made in the claims, the appropriate reference signs should be placed in parentheses after the corresponding features. A lack of clarity arises because of the use of the parentheses in claim 22, which is and should not be reference to any drawing.